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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,886	01/07/2004	Spero Payton	P298.101.101	8164
25281	7590	05/16/2006	EXAMINER	
DICKE, BILLIG & CZAJA, P.L.L.C. FIFTH STREET TOWERS 100 SOUTH FIFTH STREET, SUITE 2250 MINNEAPOLIS, MN 55402			PETRAVICK, MEREDITH C	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/753,886	PAYTON, SPERO	
	Examiner	Art Unit	
	Meredith C. Petravick	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1,4,16,19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5-15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/7/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species I in the reply filed on 3/1/2006 is acknowledged. The traversal is on the ground(s) that there would not be a burden on the examiner. This is not found persuasive because the examiner would have the burden of examining the additional species, which would increase the scope of the search.

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. The abstract of the disclosure is objected to because the word "invention" should be deleted in both instances. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 5-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown 1,514,076 in view of Williamson 4,947,562, Rank 5,117,530 and Fulton US2001/0045029A1.

Brown discloses a method of pushing snow, including a snowplowing device having:

- a rigid blade (1)

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- a coupling device including:
 - o a metal faceplate (10) bolted to the blade and having a longest dimension not more than one-quarter the length of the blade (Fig. 2)
 - o a metal sleeve (8) attached to the face plate and having a terminal end extending angularly relative to the face plate (Fig. 4).
- a handle (14) mounted in the sleeve

The extension of the handle relative to a vertical plane of the blade defines an acute push angle (Fig. 4). The device is used to push snow by applying force to the handle. However, Brown does not disclose what material the blade is made from, how the sleeve is attached to the faceplate or the length of the blade.

Like Brown, Williamson discloses a device for pushing snow. Unlike Brown, Williamson teaches that wood is one of the materials the blade can be made from (Column 3, lines 5-6).

Like Brown, Rank discloses a sleeve 62 attached to a faceplate (44). Unlike Brown, Rank teaches welding the sleeve to the faceplate to impart further stability (Column 5, lines 52-55).

Like Brown, Fulton discloses a device for pushing snow including a blade (10) attached to a coupling device (11). Unlike Brown, Fulton teaches that the blade can be between 24-48 inches.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the snowplowing device of Brown from wood as in Williamson as one known available material, to weld the sleeve to the faceplate in Brown as taught in Rank as providing extra stability, and to make the blade at least 36 inches at in Fulton in order to increase efficiency.

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Regarding claims 2- 3 and 9, the faceplate defines a generally planar front face with matches a generally planar back face of the blade (Fig. 4) with the metal sleeve extending linearly at an acute push angle (Fig. 4).

Regarding claims 6 and 8, the faceplate has a length not more than one-sixth the length of the wooden blade in the combination. There is nothing else on the back of the blade.

Regarding claim 10, making the faceplate and the sleeve from stainless steel is an obvious design choice since it is well known that stainless steel is corrosion resistant while still being strong.

Regarding claims 7, 11, 12, the exact dimension of the faceplate would be an obvious of the blade.

Regarding claim 13, making the wood pine is an obvious design choice.

Regarding claim 14, providing the distal end the handle is an obvious design choice that is well known to increase the strength of the connection.

Regarding claim 15, the distal section of the handle is mounted within the sleeve by screws (15), which are equivalent to bolts.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown 1,514,076 in view of Williamson 4,947,562, Rank 5,117,530 and Fulton US2001/0045029A1 above and further in view of Hainer 5,779,293.

The combination above discloses the claimed method except for the steps of reversing the blade.

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Like the combination, Hainer discloses a method of moving snow. Unlike the combination Hainer, discloses unbolting a face plate and turning the blade 180 degrees and rebolting the faceplate. Hainer teaches that this provides an additional edge on the blade.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the steps of rotating the blade 180 degrees as taught in Hainer increasing the time the blade can be used.

Conclusion

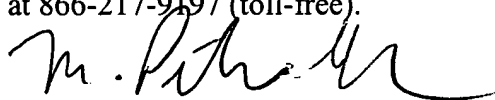
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C. Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Meredith C Petravick
Primary Examiner
Art Unit 3671

May 13, 2006